

Appl. No. 10/613,296
Docket No. 9322
Amdt. dated August 15, 2007
Reply to Office Action mailed on May 4, 2007
Customer No. 27752

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REMARKS

Claim Status

Claims 1-6, 8-15 and 18 are pending in the present application. No additional claims fee is believed to be due.

Claims 4, 8 and 18 have been canceled without prejudice.

Claim 1 has been amended to include the limitations that the article includes at least one first absorbent layer zone of extensibility that is in registry with the facing layer zones of enhanced extensibility and is decoupled from the attachment zones of the fluid impermeable backsheet. Support for the amendments can be found throughout the specification and claims, including at page 7, lines 22-24; page 9, lines 24-18; page 11, lines 22-25 of the specification and in original Claims 4 and 8.

Claims 2 and 9-11 have been amended such that the language of the claims is more consistent with the language of amended Claim 1.

Claim 5 has been amended to include the limitation that the second absorbent layer is disposed between the first absorbent layer and the backsheet. Support for the amendment can be found throughout the specification and drawings, including at page 5, lines 29-31 and Figure 2.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejection Under 35 USC §102(a) Over Chen et al. (US 2003/0083631)

Claims 1, 2, 4-6 and 8-15 have been rejected under 35 U.S.C. §102(a) as being anticipated by Chen et al. (US 2003/0083631). Specifically, with respect to Claims 1 and 15, the Office Action states that the Chen reference discloses an absorbent article having a fluid permeable facing layer, at least a portion of which is extensible. The Office Action also states that the Chen reference discloses a first absorbent layer joined to the facing layer comprising zones of extensibility, specifically the absorbent layers. The Office Action references paragraphs 0066-0068 of the Chen reference as teaching an
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outer shaping member as part of the absorbent layer, the outer shaping member being extensible, and thus providing zones of extensibility. The Office Action further states that the Chen reference teaches a liquid impermeable backsheet joined to the facing layer at the periphery and fastening means disposed on at least a portion of the garment facing surface. Further, the Office Action states that the Chen reference teaches at least a portion of the first absorbent layer is decoupled from the attachment zone of the fluid impermeable backsheet.

With respect to Claims 2, 4-6 and 8-14 the Office Action identifies certain elements and/or Figures in the Chen reference, presumably suggesting that the elements of the Claims are taught or suggested by the Chen reference.

Applicant's attorney respectfully traverses the rejection and requests that it be reconsidered in light of the amendments made to the claims and the distinctions set forth herein.

The present invention is directed to an absorbent article comprising a fluid permeable facing layer, at least portions of which have *zones of enhanced extensibility*; a first absorbent layer *joined to the facing layer* and comprising at least one zone of extensibility (wherein the zone of extensibility is a region of the first absorbent layer of relatively higher extensibility than regions of the first absorbent layer adjacent to the zone of extensibility); a liquid impermeable backsheet joined to the facing layer at the periphery; and fastening means disposed on at least a portion of the garment facing surface of the liquid impermeable backsheet, the fastening means defining attachment zones, wherein the first absorbent layer zone of extensibility is decoupled from the attachment zones of the fluid impermeable backsheet. Thus, in the absorbent article defined by amended Claim 1, the zone(s) of extensibility of the first absorbent layer is *in registry with* the zones of enhanced extensibility of the facing layer and *decoupled from the attachment zones of the backsheet*.

As discussed throughout the instant specification, the absorbent article of the present invention achieves improved static and dynamic body fit and improved comfort. This is achieved due to its unique structure which allows the body facing surface of the article to move in concert with the wearer's body and remain in registration with the

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wearer's vaginal opening during use while permitting the article to remain securely attached to the wearer's undergarments, even when the article and/or the undergarment is subjected to movement (i.e. when the wearer walks, runs, sits, etc.). These unique and important benefits are achieved by providing zones of extensibility in both the facing layer and the first absorbent layer that are in registry with each other and decoupled from the attachment zones provided on the backsheet of the absorbent article.

The disclosure of the Chen reference is directed to an absorbent article having improved body fit wherein a combination of downward-deflecting crease lines and an upward-deflecting shaping line are used in an outer and central absorbent member, respectively, to achieve a form-fitting geometry in the crotch region while over fluid flow in the article. The absorbent articles described in the Chen reference include a central absorbent member including a shaping line or lines for upward deflection coupled with an outer absorbent member having crease lines for downward deflection. During lateral compression, the deflection along the crease lines produces valleys that can help retain and distribute fluid, while the shaping lines in the central portion of the article help induce upward deflection in the crotch region or other selected regions to achieve the desire degree of body conformity. (See para. 0038 of the Chen reference.)

The structure of the products described in the Chen reference (e.g. conventional cover material over a core with *deflection* portions) as well as the described benefits (e.g. body conformity and fluid distribution) are very different than the structure and benefits of the present invention (e.g. a facing layer with *extensible zones* in *registry* with *extensible zones of a first layer of the absorbent core* which are *decoupled from the attachment zones of the backsheet*) and the benefits of the claimed invention (e.g. improved static and dynamic fit as well as reduced likelihood of the article becoming detached from the wearer's undergarments). Quite simply, the Chen reference does not provide any disclosure relating to the extensibility of the top layer, much less a top layer having a zone of enhanced extensibility in registry with a zone of extensibility of an absorbent core layer that is decoupled from the attachment zones of the garment fastening means. Thus, the Chen reference does not disclose, teach or suggest the absorbent article of the present invention.

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More particularly, regarding Claim 1 and all of the remaining claims which depend therefrom, the Office Action fails to show an absorbent article including a *facing layer having facing layer zones of enhanced extensibility*. Rather, the portions of the Chen reference to which the Office Action refers in support of such teaching merely describe only conventional topsheet materials. Paragraph 50 of the Chen reference (cited by the Office Action in reference to the core and facing layers) merely indicates that crease lines and shaping lines can be created by "bonding a portion of the cover or backsheet to a compressed portion of the absorbent material using the methods described by Mogor in U.S. Pat. No. 3,575,174 . . ." However, bonding a cover to a compressed portion of an absorbent material certainly does not teach or suggest a facing layer having zones of enhanced extensibility or any other material properties of the facing layer. The Mogor reference adds nothing to the teaching of the teachings of the Chen reference with regard to a facing layer having zones of enhanced extensibility. Rather, the Mogor reference merely describes an embossing process that provides the article with channels. Clearly, there is nothing in the portions of either the Chen Reference or the Mogor reference cited by the Office Action that provide any teaching of a facing layer having zones of enhanced extensibility.

The Chen reference also fails to teach a first absorbent layer joined to the facing layer comprising at least one first absorbent zone of extensibility, *wherein the first absorbent zone of extensibility is decoupled from the attachment zones of the fluid impermeable backsheet*. Although Chen does appear to teach an outer shaping member that may be extensible, the outer shaping member is only disclosed as being joined to the backsheet which includes a garment adhesive (i.e. attachment zone). For example, in Example 1 (para. 0108), the Chen reference states that the outer absorbent member was placed on the backsheet 108 (as described in Table 1) comprising a polymer film with a contact adhesive. It is clear from Table 1 that the contact adhesive is used to join the outer absorbent member to the backsheet, which includes a garment adhesive. Further, the rest of the examples and the disclosure in the Chen reference do not provide any teaching that the outer absorbent member is not joined to the backsheet or that any portion of the absorbent core is decoupled from the backsheet including the garment

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adhesive. Thus, the Chen reference fails to teach or suggest a first absorbent layer joined to the facing layer comprising at least one first absorbent zone of extensibility, wherein the first absorbent zone of extensibility is decoupled from the attachment zones of the fluid impermeable backsheet, as required by the claims.

Since the Chen reference fails to teach or suggest each and every limitation of the claims, as amended, it cannot anticipate the claims under §102(a). Accordingly, applicants respectfully request that the rejection be withdrawn and that the claims be allowed.

Conclusion

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied references. In view of the foregoing, entry of the amendments presented herein, reconsideration of this application, and allowance of the pending claims are respectfully requested.

Respectfully submitted,

~~THE PROCTER & GAMBLE COMPANY~~

By


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